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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) CR No. 08-824 WHA  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED] ORDER  
17 JOSE HERNANDEZ-MONTOYA, ) EXCLUDING TIME UNDER 18 U.S.C. § 3161  
a/k/a JOSE LUIS HERNANDEZ, )  
18 )  
19 Defendant. )  
20

21 On November 25, 2008, the parties appeared before the Court for the defendant's initial  
22 status conference. At that time, the parties requested, and the Court agreed, to exclude all time  
23 under the Speedy Trial Act starting on November 25, 2008 through December 9, 2008. The  
24 parties represented that granting the continuance was the reasonable time necessary for effective  
25 preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the  
26 ends of justice served by

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2 granting such a continuance outweighed the best interests of the public and the defendant in a  
3 speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4 SO STIPULATED:

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7  
8 DATED: November 26, 2008

/s/

9 TAREK J. HELOU  
Assistant United States Attorney

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11 DATED: November 26, 2008

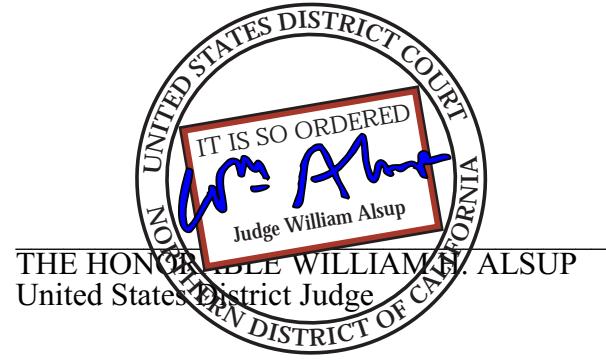
/s/

12 JODI LINKER  
Attorney for Defendant JOSE HERNANDEZ-MONTOYA

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14 For the reasons stated above, the Court finds that exclusion of time starting on November  
15 25, 2008 through December 9, 2008 is warranted and that the ends of justice served by the  
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18  
17 U.S.C. § 3161 (h)(8)(A). The failure to grant the requested continuance would deny the  
18 defendant continuity of counsel, and would result in a miscarriage of justice. 18 U.S.C. §  
19 3161(h)(8)(B)(iv).

20  
21 SO ORDERED.

22  
23 DATED: December 1, 2008



24 THE HONORABLE WILLIAM E. ALSUP  
United States District Judge